

**Remarks**

Claims 1-31 are pending in the application.

Claims 1, 6-20 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui, U.S. 6,694,352 (Omoigui).

Claims 2-5 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the

original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

### **Rejection Under 35 U.S.C. 102**

Claims 1, 6-20 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Omoigui reference fails to disclose each and every element of the claimed invention. As an example, the Omoigui reference fails to teach or suggest at least the limitation “a notification data reception module, **coupled to the content availability notification module**” as recited in independent claim 1.

Firstly, the Office Action suggests the claimed “notification data reception module” is an equivalent structure to the *notification server 14* in Omoigui FIG. 7. Then the Office Action suggests the claimed “notification data reception module” is an equivalent structure to the *user interface unit 400* in Omoigui FIG. 7. But, independent claim 1 specifically discloses “a notification data reception module, **coupled to the content availability notification module**.” Thus, Omoigui’s *notification server 14* and *interface unit 400* would *have to be* “coupled to” each other to if the cited structures and arrangement thereof in Omoigui were to read on the referenced claim element. However, the Applicants respectfully submit that the Omoigui *notification server 14* and *user interface unit 400* are to the contrary **not coupled** to each other.

The Applicants respectfully direct the Examiner’s attention to Omoigui FIG. 1, where *Notification server 14* is clearly displayed in the center thereof. Remotely located from and clearly not “coupled to” *notification server 14*, are *client processing devices 12*. Regarding *user interface unit 400*, Omoigui distinctly states “user interface 400 can comprise an **integral part of a client processing device 12**” (col. 12, lines 39-40). Therefore, since Omoigui discloses user interface 400 as being an integral part of client processing device 14, while the Office Action suggests the claimed “content availability notification module” and “notification data reception module” are equivalent to the Omoigui *notification server 14* and *client processing devices 12*, Omoigui can not

possibly teach the claimed “a notification data reception module, **coupled to the content availability notification module.**” as recited in independent claim 1, at least for the reason that *notification server 14* and *client processing devices 12* are clearly not “coupled to” each other. Thus, Independent claim 1 is not anticipated by Omoigui.

Moreover, currently amended independent claims 14 and 19 positively recite:

14 (original) A method for notifying users of availability of video and digital multimedia program content in a video and multimedia program content distribution network, comprising:

receiving a program content request, wherein the request specifies desired program content for delivery to a user terminal;

receiving information related to availability of the desired program content; determining a notification protocol to notify the user terminal of the availability of the desired program content;

analyzing the information related to the availability of the desired program content;

generating a notification form;

and routing the notification form to one or more notification modules, wherein the one or more notification modules transmit a program content availability notification;

wherein said multimedia program content distribution network **includes a cable television system headend.**

20 (original) A system that provides program content notification related to content available on a video and multimedia program content distribution network, comprising:

means for receiving program notification data, wherein the receiving means receives and processes notification data, wherein the notification data is used to formulate and transmit one or more content availability notification messages;

means for analyzing program content schedule and availability, coupled to the receiving means, wherein the means for analyzing program content schedule and availability receives and processes one or more of content schedule and availability of the program content available on the video and multimedia program content distribution network and user content download requests, and produces processed schedule and availability data;

means for analyzing a program content download request, coupled to the receiving means, wherein the means for analyzing a program content download request processes data from the user download requests for formatting and routing one or more content notification availability forms;

means for generating a notification form, coupled to the means for analyzing content schedule and availability, wherein the generating means

receives the processed schedule and availability data, and generates a notification form;

means for routing the notification form, coupled to the generating means, wherein the routing means routes notification data for transmission to a user;

and means for providing the program content notification;

wherein said multimedia program content distribution network **includes a cable television system headend**.

The Applicants respectfully submit that Omoigui fails to teach or suggest the claimed “wherein said multimedia program distribution network **includes a cable television system headend**” as positively recited in currently amended independent claims 14 and 20. Thus, as with independent claim 1, Omoigui fails to teach or suggest each and every element of the claimed invention as recited in claims 14 and 20.

Therefore, independent claims claim 1, 14 and 20 are allowable over Omoigui under 35 U.S.C. 102(e). Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Omoigui under 35 U.S.C. 102(e).

Accordingly, claims 1, 6-20, and 25-31 are allowable under 35 U.S.C. 102(e). The Applicants respectfully request the Examiner withdraw the rejection.

#### **Rejection Under 35 U.S.C. 103(a)**

Claims 2-5 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui. The rejection is traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Omoigui. Since the rejection under 35 U.S.C. 102 given Omoigui has been overcome, as described hereinabove, these grounds of rejection cannot be maintained. Therefore, the rejection should be withdrawn.

**Secondary References**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: \_\_\_\_\_

*4/18/08*

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